

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

GABRIELA BAYOL,  
Plaintiff,

v.

ZIPCAR, INC.,  
Defendant.

Case No. 14-cv-02483-TEH

**ORDER RE: AUGUST 10, 2015  
HEARING**

The parties shall come to the August 10, 2015 hearing prepared to address the following questions.

**For Plaintiff**

1. Given the proposed class definition, why would the class be entitled to any amount from “All Late Fees Collected in California” that is not already included in “Late Fees Collected from California Residents Driving Anywhere in the United States?”
2. Does Plaintiff actually dispute that class members are not entitled to recover fees that have been refunded by Defendant?
3. Does Plaintiff actually dispute that class members are not entitled to recover fees that were charged prior to May 30, 2010, due to the application of the statute of limitations? If so, why did Plaintiff use this date as the start of the relevant period for her discovery requests?
4. Why should the Court estimate attorneys’ fees at anything greater than 25% of the common fund, when this amount is considered the “benchmark” award?
5. How should the Court estimate the time period for evaluating the cost of compliance with an injunction?
6. The 30-day waiting period to amend the Complaint passed on June 28, 2014. What accounts for the delay in filing the motion for leave to amend?


United States District Court  
Northern District of California

**For Defendant**

1. What prejudice would Defendant suffer if leave to amend is granted?
2. Does the amount of “refunded” late fees in the document produced to Plaintiff only include fees that were terminated before being paid, or does it include fees that were paid and then refunded?
3. Why does the Class Action Fairness Act not abrogate the authorities that preclude punitive damages or the value of injunctive relief from being aggregated?
4. Does Defendant dispute that, if leave to amend is granted and punitive damages are aggregated, then Plaintiff will have alleged a sufficient amount in controversy?
5. How should the Court estimate the time period for evaluating the cost of compliance with an injunction?
6. What accounts for the delay in filing the motion to dismiss?

**IT IS SO ORDERED.**

Dated: 08/05/15

  
THELTON E. HENDERSON  
United States District Judge